

# *Naperville Area Homeowners Confederation*

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July 9, 2009

The Honorable Attorney General Lisa Madigan  
Office of the Attorney General  
State of Illinois  
100 West Randolph Street  
Chicago, IL 60601

## **Re: AT&T Non-compliance with the Cable and Video Competition Law of 2007**

Dear Attorney General Madigan:

I write on behalf of the Board of the Naperville Area Homeowners Confederation regarding AT&T's failure to comply with 220 ILCS 5/21-601, the section of the Cable and Video Competition Law of 2007 ("the 2007 Cable law") that pertains to Public, Educational, and Governmental (PEG) access programming.

The 2007 Cable law mandates that any company providing service in the State of Illinois is required to provide PEG channels at equivalent audio and visual signal quality and equivalent functionality as commercial channels. *See* 220 ILCS 5/21-601(c) ("holder shall provide to subscribers public, education and government access channel capacity at equivalent visual and audio quality and equivalent functionality, from the viewing perspective of the subscriber, to that of commercial channels carried on the holder's basic cable or video service offerings or tiers without the need for any equipment other than the equipment necessary to receive the holder's basic cable or video service offerings or tiers.") AT&T's system does not meet these requirements.

AT&T's shortcomings in its provision of PEG access programming are well-known. Specifically, AT&T's "U-Verse" system prevents subscribers in Naperville, as well as viewers of all PEG programming across the State, from watching PEG channels in the same manner that they would view a commercial programming channel. The "U-Verse" system does not offer equivalent functionality in a number of ways, including (i) incompatibility with programmed digital video recorder (DVR) devices, (ii) lack of closed captioning, (iii) lack of second audio program (SAP), (iv) inability to channel surf between public and commercial channels, (v) extended length of time to access PEG channels, and (vi) no listings whatsoever of PEG programming on program guides, *see* 220 ILCS 5/21-601(g) ("holder shall provide a listing of public, education and government channels on channel cards and menus provided to subscribers in a manner equivalent to other channels if the holder uses such cards and menus. Further, the holder shall provide a listing of public, education, and government programming on its electronic program guide if such a guide is utilized by the holder.") In fact, under AT&T's system, all PEG channels are grouped as "Channel 99" rather than adhering to the existing channel numbers.



Additionally, AT&T widely reports that it will offer "equivalent signal quality" at 480X480 picture lines of resolution. Despite what it calls it, however, such picture resolution is not "equivalent," because, among other things, the specification for standard definition television is 720x 480 picture lines of resolution. AT&T also reports it will present its Windows Media application for PEG at 1.25 megabits per second but has not proven that this data rate is equivalent with commercial channels. Further, AT&T's PEG specification is completely unsuitable for high-definition delivery, which will eventually be adopted by PEG stations across the State.

Finally, it is important to recognize that Naperville has not had any of these issues with delivery of equivalent functionality or picture quality with the programming that we receive from our other providers, Comcast and WideOpenWest.

AT&T is currently rolling out its service in Naperville and is failing to comply with the law in its transmission of PEG programming for the City of Naperville Public Access Channel, WCNC, or Naperville Community Television (NCTV). We are relying on the Office of the Attorney General to take the necessary actions to achieve a successful resolution of the problems our community faces with AT&T regarding the transmission of our PEG programming, and it is imperative that these PEG issues get resolved quickly.

The Naperville Area Homeowners Confederation, in partnership with the City of Naperville, has historically provided informative programming to area residents. These include candidate forums, meetings focusing on transportation issues, and forums on intergovernmental issues where we have moderated a discussion from a panel consisting of all layers of local representative government, from the City and townships up to and including our Congressional representation. AT&T's skirting of the letter and spirit of the law, through their relegation of this programming to the menu of "Channel 99", may serve to deprive Naperville residents of these valuable and informative broadcasts.

On behalf of the homeowners of the Naperville area, I would very much appreciate knowing what actions the Attorney General's office intends to take to ensure that our residents will not continue to be subjected to AT&T's disregard for state law through its sub-standard and unacceptable treatment of PEG channels.

Sincerely,



Robert W. Buckman  
President – Naperville Area Homeowners Confederation

cc: Douglas Krieger, City Manager – City of Naperville  
State Representative Darlene Senger  
State Representative Mike Connelly  
State Representative Tom Cross  
State Senator Linda Holmes  
State Senator Randy Hultgren  
State Senator Kirk Dillard